

CERTIFICATION OF EMERGENCY RULES
FILED WITH LEGISLATIVE REFERENCE SERVICE
JERRY L. BASSETT, DIRECTOR

Pursuant to Code of Alabama 1975, §§41-22-5(b) and 41-22-6(c)(2)a. and b.

I certify that the attached emergency rule is a correct copy as promulgated and adopted on the 17th day of July, 2015.

AGENCY NAME: Secretary of State

RULE NO. AND TITLE: 820-2-10-.06-.21ER Minimum Criteria To Ensure Secure Remote Electronic Transmission Of Blank Absentee Ballots and Electronic Return of Voted Absentee Ballots.

EFFECTIVE DATE OF RULE: July 17, 2015.

EXPIRATION DATE (If less than 120 days): _____

NATURE OF EMERGENCY: This emergency rule is necessary to provide secure remote electronic transmission of blank absentee ballots and electronic return of voted absentee ballots in the Montgomery Municipal Election to be held on August 25, 2015, and Municipal Runoff Election to be held on October 6, 2015. The aforesaid election has been selected by the Secretary of State, in cooperation and with the approval of the City of Montgomery, to serve as a pilot project regarding the transmittal of blank absentee ballots and electronic return of the voted absentee ballots in preparation for the 2016 election cycle.

STATUTORY AUTHORITY: Code of Ala. 1975, §§17-11-40 et seq.

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS ____ YES X NO

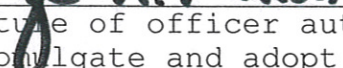
NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

REC'D & FILED

JUL 17 2015

LEGISLATIVE REF SERVICE

Jean Brown, Chief Legal Advisor
Office of the Secretary of State
State Capitol
Montgomery, AL 36104
(334) 272-7202


Signature of officer authorized
to promulgate and adopt rules and
regulations or his or her deputy

FILING DATE
(For APA Use Only)

AMENDED

OFFICE OF THE SECRETARY OF STATE
ADMINISTRATIVE CODE

820-2-10-.06-.21ER Minimum Criteria To Ensure Secure Remote Electronic Transmission Of Blank Absentee Ballots and Electronic Return of Voted Absentee Ballots. The minimum criteria to ensure the secure electronic transmission of blank absentee ballots and electronic return of voted absentee ballots shall include the following:

- (1) The capability for secure access by the overseas voter to the electronic ballot transmission server.
- (2) The capability to verify the identity of the overseas voter before granting access to the electronic ballot transmission server.
- (3) The capability for secure transmission of the voted ballot to the local absentee election manager.
- (4) The capability to verify the identity of the overseas voter transmitting the voted ballot to the local absentee election manager.
- (5) The use of encrypted information, including, but not limited to, ballots, passwords, and both public and private encryption keys.
 - (a) A public or private key encryption methodology shall include key generation under the control of the Secretary of State.
 - (b) A password protected private key shall be held secure by the county or municipal appointing board, as applicable, and never transmitted or otherwise divulged by any means.
 - (c) A password protected private key that is unique for each eligible overseas voter to digitally sign the ballot for transmission and storage before decryption by the canvassing board or the absentee election manager.
- (6) The capability for auditing the secure remote voting

application source code, and the capability for this application to be executed on a clean computer which, at a minimum, has a baseline operating system on its hard disk and no other software or driver installed.

(7) The capability to secure access to and from the overseas voter and the voting server or the voting database platform or both.

(8) The verification of the authenticity of the identity of the overseas voter before granting access to the transmission of election material.

(9) The capability for the overseas voter to determine that the secure transmission of election material was successful.

(10) The capability for the absentee election manager to segregate rejected ballots before decryption.

(11) The capability to record election material received by secure transmission.

(12) The capability for the absentee election manager to produce a marked paper ballot for each vote cast by secure transmission.

(13) The capability for the overseas voter to securely and electronically execute the "Overseas Voter Certificate" as provided for in §17-11-46, if the UOCAVA voter is submitting the voted ballot by secure electronic transmission.

Author: Edward Packard; Jean Brown; William Sutton.

Statutory Authority: Code of Ala. 1975, §§17-11-40 et seq.

History: New Rule: Filed March 28, 2014; effective May 2, 2014. **Amended:** Filed July 17, 2015; effective July 17, 2015.

AMENDED

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ADMINISTRATIVE CODE

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(4) The capability to verify the identity of the overseas voter transmitting the voted ballot to the local absentee election manager.

(5) The use of encrypted information, including, but not limited to, ballots, passwords, and both public and private encryption keys.

(a) A public or private key encryption methodology shall include key generation under the control of the Secretary of State.

(b) A password protected private key shall be held secure by the county or municipal appointing board, as applicable, and never transmitted or otherwise divulged by any means.

(c) A password protected private key that is unique for each eligible overseas voter to digitally sign the ballot for transmission and storage before decryption by the canvassing board or the absentee election manager.

(6) The capability for auditing the secure remote voting application source code, and the capability for this application to be executed on a clean computer which, at a minimum, has a baseline operating system on its hard disk and no other software or driver installed.

(7) The capability to secure access to and from the overseas voter and the voting server or the voting database platform or both.

(8) The verification of the authenticity of the identity of the overseas voter before granting access to the transmission of election material.

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